

## EXHIBIT D

**30(b)(6) Buck Deposition**

Buck, Alexandra Grigoras

March 13, 2008

Chicago, IL

1

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

-----X

IN RE: PHARMACEUTICAL )

INDUSTRY AVERAGE WHOLESALE )

PRICE LITIGATION ) MDL No. 1456

-----) Civil Action

This document relates to: ) No. 01-12257-PBS

United States of America, )

ex. rel. Ven-a-Care of the )

Florida Keys, Inc., ) Hon. Patti Saris

vs. )

Abbott Laboratories, Inc., ) Magistrate Judge

CIVIL ACTION NO. 06-11337-PBS ) Marianne Bowler

-----X

VIDEOTAPED DEPOSITION OF

ALEXANDRA GRIGORAS BUCK

MARCH 13, 2008

CHICAGO, ILLINOIS

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Buck, Alexandra Grigoras

March 13, 2008

Chicago, IL

2 (Pages 2 to 5)

<p>2</p> <p>1 Videotaped deposition of ALEXANDRA 2 GRIGORAS BUCK, called by the Plaintiffs for 3 examination, taken pursuant to notice, agreement and 4 by the provisions of the Rules of Civil Procedure 5 for the United States District Courts pertaining to 6 the taking of depositions, taken before DEBORAH 7 HABIAN, a Notary Public within and for the County of 8 Cook, State of Illinois, and a Certified Shorthand 9 Reporter of said State, at the offices of Jones Day, 10 77 West Wacker Drive, 35th Floor, Chicago, Illinois, 11 on the 13th day of March, 2008, at 9:10 a.m.</p> <p>12</p> <p>13</p> <p>14 APPEARANCES:</p> <p>15</p> <p>16 On behalf of the United States:</p> <p>17 U.S. DEPARTMENT OF JUSTICE 18 COMMERCIAL LITIGATION, FRAUD 19 BY: ANN ST. PETER-GRIFFITH, ESQ. 20 99 N.E. 4th Street 21 Miami, Florida 33132 22 (305) 961-9001</p>	<p>4</p> <p>1 INDEX</p> <p>2</p> <p>3 WITNESS: ALEXANDRA GRIGORAS BUCK PAGE 4 EXAMINATION BY MS. ST. PETER-GRIFFITH..... 006 5 EXAMINATION BY MR. ANDERSON..... 295 6 7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 NUMBER DESCRIPTION PAGE 11 Exhibit Buck 001, Notice of Deposition..... 011 12 Exhibit Buck 002, Witness's list of individuals 13 interviewed in dep 14 preparation..... 046 15 16 17 18 19 20 21 22</p>
<p>3</p> <p>1 APPEARANCES: (CONTINUED) 2 3 On behalf of the Relator, Ven-a-Care: 4 ANDERSON, LLC 5 BY: C. JARRETT ANDERSON, ESQ. 6 208 West 14th Street 7 Suite 3-B 8 Austin, Texas 78701 9 (512) 469-4549</p> <p>10</p> <p>11 On behalf of the Defendants: 12 JONES DAY 13 BY: JASON G. WINCHESTER, ESQ. 14 77 West Wacker Drive 15 Chicago, Illinois 60601-1692 16 (312) 782-3939 17 18</p> <p>19 ALSO PRESENT:</p> <p>20 21 STEPHAN HOOG, VIDEOGRAPHER 22</p>	<p>5</p> <p>1 PROCEEDINGS</p> <p>2</p> <p>3 THE VIDEOGRAPHER: This is Stephan Hoog 4 for Henderson Legal Services. I'm the operator 5 of this camera. We're on record March 13th, 6 2008. The time is 9:10 a.m., as indicated on the 7 video screen.</p> <p>8 This is the videotaped deposition of 9 Alexandra Buck. It's being taken pursuant to 10 Federal Rules of Civil Procedure. We are at 77 11 West Wacker Drive, Chicago, Illinois. This case 12 is captioned In Re: Pharmaceutical Industry AWP, 13 Case No. 01-12257-PBS.</p> <p>14 Will the attorneys please identify 15 themselves for the video record? 16 MS. ST. PETER-GRIFFITH: Ann St. Peter- 17 Griffith from the United States Attorney's 18 Office, Southern District of Florida on behalf of 19 the United States. 20 MR. ANDERSON: Jarrett Anderson, 21 counsel for the Relator. 22 MR. WINCHESTER: Jason Winchester for</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Buck, Alexandra Grigoras

March 13, 2008

Chicago, IL

59 (Pages 230 to 233)

<p style="text-align: right;">230</p> <p>1     <b>A. Our attorneys reviewed the documents.</b></p> <p>2     Q. Did Abbott at all participate in</p> <p>3 identifying what documents may or may have been</p> <p>4 responsive -- may or may not have been</p> <p>5 responsive?</p> <p>6     <b>A. I don't know.</b></p> <p>7     MR. WINCHESTER: You got to let her get</p> <p>8 the question out.</p> <p>9     THE WITNESS: Sorry.</p> <p>10     MR. WINCHESTER: That's okay.</p> <p>11 BY MS. ST. PETER-GRIFFITH:</p> <p>12     Q. And do you have an approximate time</p> <p>13 frame as to when that search took place?</p> <p>14     <b>A. I do not.</b></p> <p>15     Q. When did Abbott provide the AHD shared</p> <p>16 drive electronic information to Jones Day?</p> <p>17     <b>A. I don't know the date.</b></p> <p>18     Q. Do you know the year?</p> <p>19     <b>A. I don't.</b></p> <p>20     Q. Do you know what else was involved in</p> <p>21 the search of the shared drive of AHD?</p> <p>22     <b>A. I don't think there was anything else</b></p>	<p style="text-align: right;">232</p> <p>1     Q. And when was that?</p> <p>2     <b>A. I don't know. Probably around the same</b></p> <p>3 <b>time that we took his e-mail file, which was I</b></p> <p>4 <b>believe Mr. Winchester said late last year. I'm</b></p> <p>5 <b>sorry --</b></p> <p>6     MR. WINCHESTER: That was Gonzalez.</p> <p>7     THE WITNESS: -- that was Gonzalez.</p> <p>8 I'm sorry. I don't know.</p> <p>9 BY MS. ST. PETER-GRIFFITH:</p> <p>10     Q. Okay. Do you know whether it was</p> <p>11 before or after Mr. Tootell's deposition?</p> <p>12     <b>A. I don't know.</b></p> <p>13     <b>MS. ST. PETER-GRIFFITH: Jason, do you</b></p> <p>14 <b>have the criteria that was used to search the</b></p> <p>15 <b>shared drive for AHD?</b></p> <p>16     MR. WINCHESTER: I guess I'm not sure</p> <p>17 what you're asking about, "criteria."</p> <p>18     MS. ST. PETER-GRIFFITH: Meaning what</p> <p>19 it was that was searched, what the search terms</p> <p>20 were for pulling responsive documents.</p> <p>21     MR. WINCHESTER: Oh. I don't know that</p> <p>22 there were search terms on that one. I think</p>
<p style="text-align: right;">231</p> <p>1 <b>involved.</b></p> <p>2     Q. Okay, so we've exhausted what you know</p> <p>3 about that?</p> <p>4     <b>A. Yes.</b></p> <p>5     Q. Okay. Next. You searched the AHD</p> <p>6 drive?</p> <p>7     <b>A. Correct.</b></p> <p>8     Q. Okay, what else?</p> <p>9     <b>A. I believe we -- I stated earlier that</b></p> <p>10 <b>we searched Mr. Tootell's hard drive.</b></p> <p>11     Q. Okay.</p> <p>12     <b>A. You want me to keep going?</b></p> <p>13     Q. Yeah.</p> <p>14     <b>A. Okay.</b></p> <p>15     Q. Well, let me tell you, who -- and let</p> <p>16 me ask, who searched Mr. Tootell's hard drive?</p> <p>17     <b>A. Jones Day.</b></p> <p>18     Q. Was that, again, you've provided that -</p> <p>19 - the electronic information to them?</p> <p>20     <b>A. Correct. We took a ghost image, which</b></p> <p>21 <b>is a bit-by-bit image of the hard drive and</b></p> <p>22 <b>provided it to Jones Day.</b></p>	<p style="text-align: right;">233</p> <p>1 that literally it was a document-by-document</p> <p>2 review that was, you know, culled just for</p> <p>3 responsiveness according to the Court's rulings</p> <p>4 and, you know, however you would look through a</p> <p>5 box of paper. It was done that way with this</p> <p>6 stuff on the shared drives.</p> <p>7     MS. ST. PETER-GRIFFITH: Okay.</p> <p>8     MR. WINCHESTER: I don't believe it was</p> <p>9 done by way of hits from key terms. It was</p> <p>10 literally reviewed --</p> <p>11     MS. ST. PETER-GRIFFITH: Yeah, that's</p> <p>12 my question more.</p> <p>13     MR. WINCHESTER: Yes.</p> <p>14     MS. ST. PETER-GRIFFITH: So it was just</p> <p>15 a pure --</p> <p>16     MR. WINCHESTER: Review.</p> <p>17     MS. ST. PETER-GRIFFITH: -- Jones Day</p> <p>18 attorney sitting there or paralegal or somebody</p> <p>19 sitting there reviewing.</p> <p>20     MR. WINCHESTER: Yes, pure staff</p> <p>21 reviewing what was on the share drive.</p> <p>22 BY MS. ST. PETER-GRIFFITH:</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Buck, Alexandra Grigoras

March 13, 2008

Chicago, IL

74 (Pages 290 to 293)

<p style="text-align: right;">290</p> <p>1 your knowledge?</p> <p>2 <b>A. I don't know.</b></p> <p>3 Q. What types of databases existed within</p> <p>4 or for the Home Infusion Business Unit?</p> <p>5 <b>A. I am not aware. I don't know.</b></p> <p>6 Q. What about for the Alt Site Business</p> <p>7 Unit?</p> <p>8 <b>A. I don't know.</b></p> <p>9 Q. HBS?</p> <p>10 <b>A. I don't know.</b></p> <p>11 Q. Is there any way to capture or was</p> <p>12 there any way for Abbott to capture from 1991</p> <p>13 through 2003 -- and I don't necessarily mean</p> <p>14 historically. I'm just talking about the -- in</p> <p>15 1991, for that time period from '91 to 2003, was</p> <p>16 there any way to capture and preserve or save</p> <p>17 historical price lists?</p> <p>18 <b>A. I don't know if they were contained in</b></p> <p>19 <b>a database. It is virtually impossible to</b></p> <p>20 <b>capture data or preserve data in a database</b></p> <p>21 <b>because it's relational and constantly changing.</b></p> <p>22 <b>So it's -- it's one of the sort of thorns in e-</b></p>	<p style="text-align: right;">292</p> <p>1 <b>the problem with databases.</b></p> <p>2 Q. Before the price lists were put on</p> <p>3 databases --</p> <p>4 <b>A. I don't know that they were.</b></p> <p>5 Q. Okay. Does Abbott -- what did -- did</p> <p>6 Abbott do anything to search for price lists that</p> <p>7 might have existed on an individual's computer</p> <p>8 other than the lit hold?</p> <p>9 <b>A. I mean certainly if an individual was</b></p> <p>10 <b>looking for documents, I -- price lists would be</b></p> <p>11 <b>included. I don't know if there was some</b></p> <p>12 <b>database search or even database containing such</b></p> <p>13 <b>lists. I really don't know about the price</b></p> <p>14 <b>lists.</b></p> <p>15 Q. Other than what we've discussed, are</p> <p>16 you aware of any initiative to -- and I'm now</p> <p>17 talking about the current initiative to search</p> <p>18 desktops.</p> <p>19 Are you aware of -- from '96 when</p> <p>20 Abbott first started receiving, you know,</p> <p>21 information from the government concerning its</p> <p>22 investigation until the time of the Hospira spin,</p>
<p style="text-align: right;">291</p> <p>1 <b>discovery's side, trying to figure out how to do</b></p> <p>2 <b>that.</b></p> <p>3 Q. Okay. Well, incident to lit hold</p> <p>4 memoranda, was any effort made to -- because of</p> <p>5 the changing nature of price lists -- of price</p> <p>6 list database or price lists, was any initiative</p> <p>7 undertaken to electrically preserve that</p> <p>8 information?</p> <p>9 <b>A. I guess what I'm saying is that there</b></p> <p>10 <b>is no way that I'm aware of to preserve database</b></p> <p>11 <b>information on an ongoing basis, and I don't know</b></p> <p>12 <b>whether any steps were taken to preserve the data</b></p> <p>13 <b>that you're you referring to or whether it</b></p> <p>14 <b>existed in a database at all.</b></p> <p>15 Q. Well, is it possible to implement a</p> <p>16 system where, you know, on a weekly basis a</p> <p>17 snapshot of what the price list was for that</p> <p>18 particular week or that particular month was</p> <p>19 captured?</p> <p>20 <b>A. I am not aware of a system that you can</b></p> <p>21 <b>take snapshots of databases that you would be</b></p> <p>22 <b>able to then use that data subsequently. That's</b></p>	<p style="text-align: right;">293</p> <p>1 was any initiative undertaken to search desktops</p> <p>2 other than what was expected through the Ellen</p> <p>3 Klaus initiative?</p> <p>4 <b>A. There is something that I want to</b></p> <p>5 <b>clarify that I'm not sure if I mentioned earlier.</b></p> <p>6 <b>At the time that we pulled Mr. Gonzalez's e-mail,</b></p> <p>7 <b>we did also take a ghost image of his computer,</b></p> <p>8 <b>reviewed every document document-by-document and</b></p> <p>9 <b>found that no documents were responsive, and I'm</b></p> <p>10 <b>not sure that I made that clear earlier.</b></p> <p>11 Q. And who did that search?</p> <p>12 <b>A. Jones Day. And just to be clear, it</b></p> <p>13 <b>was a review. There was no search terms. It</b></p> <p>14 <b>was, again, a review of the entire drive.</b></p> <p>15 Q. Okay. And was that his computer as it</p> <p>16 -- from his term as President of HPD or as</p> <p>17 Chairman term or some other -- when he was in --</p> <p>18 held some other position?</p> <p>19 <b>A. I --</b></p> <p>20 <b>MR. WINCHESTER: Objection, form.</b></p> <p>21 <b>THE WITNESS: I believe it -- well,</b></p> <p>22 <b>actually, I don't know the time frame.</b></p>



Buck, Alexandra Grigoras

March 13, 2008

Chicago, IL

75 (Pages 294 to 297)

<p style="text-align: right;">294</p> <p>1 BY MS. ST. PETER-GRIFFITH:</p> <p>2 Q. Okay, was any initiative undertaken to</p> <p>3 search Rick Gonzalez's computer that he utilized</p> <p>4 when he was President of HPD?</p> <p>5 A. <b>I don't know.</b></p> <p>6 Q. Have we exhausted your knowledge or</p> <p>7 recollection of the searches undertaken for</p> <p>8 electronic information by Abbott in response to</p> <p>9 the United States's request for production?</p> <p>10 A. <b>I believe we have.</b></p> <p>11 Q. Is there anything that you would like</p> <p>12 to clarify or, as you sit here today, think back</p> <p>13 about that you want to either expand upon or</p> <p>14 clarify?</p> <p>15 A. No.</p> <p>16 MS. ST. PETER-GRIFFITH: Okay. Jason,</p> <p>17 I want -- as I indicated before, one of the</p> <p>18 questions that we had was who exactly it was that</p> <p>19 the lit -- responded to the lit hold memoranda,</p> <p>20 which is really -- Ms. Buck has referenced it</p> <p>21 here today, but that's really a question that was</p> <p>22 presented with Ellen Klaus.</p>	<p style="text-align: right;">296</p> <p>1 A. <b>I don't know. It was a decision, I</b></p> <p>2 <b>believe, made by our attorneys.</b></p> <p>3 Q. Were there any other individuals whose</p> <p>4 hard drives were reviewed by Abbott or its</p> <p>5 counsel?</p> <p>6 A. <b>In the same manner that Mike Tootell</b></p> <p>7 <b>and Mr. Gonzalez's computer were reviewed?</b></p> <p>8 Q. Let's limit it to that for now, and</p> <p>9 then we'll broaden it.</p> <p>10 A. <b>Not that I am aware of.</b></p> <p>11 Q. Okay, were other Abbott employees' hard</p> <p>12 drives reviewed by individuals other than the</p> <p>13 particular employee who actually possessed the</p> <p>14 hard drive?</p> <p>15 A. <b>Sure. So I think as I testified</b></p> <p>16 <b>earlier and Miss Klaus referenced, there were</b></p> <p>17 <b>numerous occasions where the paralegal would sit</b></p> <p>18 <b>with the individual and go through their hard</b></p> <p>19 <b>drive document-by-document and decide what to</b></p> <p>20 <b>print out.</b></p> <p>21 Q. Okay, and there's been some testimony</p> <p>22 about this kind of over-the-shoulder review</p>
<p style="text-align: right;">295</p> <p>1 MR. WINCHESTER: Um-hum.</p> <p>2 MS. ST. PETER-GRIFFITH: Subject to</p> <p>3 getting more information concerning that, at this</p> <p>4 time, the United States passes the witness.</p> <p>5 MR. ANDERSON: Good afternoon, Ms.</p> <p>6 Buck.</p> <p>7 THE WITNESS: Good afternoon.</p> <p>8 MR. ANDERSON: My name is Jarrett</p> <p>9 Anderson. I don't have many questions, but I do</p> <p>10 have a few.</p> <p>11 THE WITNESS: Okay.</p> <p>12</p> <p>13 DIRECT EXAMINATION</p> <p>14 BY MR. ANDERSON:</p> <p>15 Q. Leaving off where you just were, if I</p> <p>16 understand your testimony correctly, Mike</p> <p>17 Tootell's hard drive and Rick Gonzalez's hard</p> <p>18 drive were duplicated and then, in turn, reviewed</p> <p>19 by Abbott's counsel, correct?</p> <p>20 A. <b>That is correct.</b></p> <p>21 Q. Why were those two individuals selected</p> <p>22 for that review?</p>	<p style="text-align: right;">297</p> <p>1 process. How would the -- well, strike that.</p> <p>2 With what frequency has Abbott or</p> <p>3 Abbott's attorneys conducted a process where a</p> <p>4 paralegal or some other Abbott representative</p> <p>5 would physically sit with an Abbott employee and</p> <p>6 search the Abbott employee's electronic records?</p> <p>7 A. <b>So my understanding is that every time</b></p> <p>8 <b>there was a collection, that process was</b></p> <p>9 <b>followed. And there were collections responsive</b></p> <p>10 <b>to either numerous subpoenas over this period of</b></p> <p>11 <b>time or document requests, et cetera. So I can't</b></p> <p>12 <b>say for certain with what frequency per</b></p> <p>13 <b>individual, but I know it was done repeatedly.</b></p> <p>14 Q. And is it true that the individuals</p> <p>15 which were identified for this level of over-the-</p> <p>16 shoulder review were the 39 individuals that were</p> <p>17 identified in the class action case?</p> <p>18 A. <b>That, I don't know. Like I said</b></p> <p>19 <b>earlier, I don't know the specific names of the</b></p> <p>20 <b>individuals.</b></p> <p>21 Q. Do you know of records that would</p> <p>22 reveal which persons have been subjected to this</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Buck, Alexandra Grigoras

March 13, 2008

Chicago, IL

84 (Pages 330 to 333)

<p style="text-align: right;">330</p> <p>1 records of its employees other than asking 2 individual employees to do so themselves? 3 MR. WINCHESTER: Objection, form. 4 THE WITNESS: No, I absolutely 5 disagree. And continually minimizing the effort 6 that our paralegals and our attorneys did to go 7 to computers with individuals and search, 8 electronically look at -- physically, personally 9 look at those files I think is a 10 mischaracterization. 11 Additionally, I've testified at length 12 about the share drive searches, again, about the 13 Medi-Cal searches, about the AHD share drives and 14 other things that I'm sure I'm missing now in 15 this summary of my testimony all day. 16 BY MR. ANDERSON: 17 Q. Well, I'm not trying to argue with you 18 about the merits of the kind of the over-the- 19 shoulder review. I'm just trying to understand 20 whether Abbott did any type of organizational 21 electronic search of its employees' records other 22 than the over-the-shoulder type review and the</p>	<p style="text-align: right;">332</p> <p>1 agree though that, while there may not have been 2 a date limitation placed on the search, those 3 sources inherently were limited because the 4 historic reach of those bodies of electronic 5 information was limited? 6 MR. WINCHESTER: Objection, form. 7 THE WITNESS: I do not agree. 8 BY MR. ANDERSON: 9 Q. You don't? 10 A. Nope. 11 Q. Despite your testimony about the 30-day 12 deleter or the minimum inbox size or other 13 functional limits on the historic retention of 14 documents? 15 A. That is absolutely correct. The -- 16 it's actually -- especially because the 30-day 17 deleter wasn't implemented until the very end of 18 2003. The practice was if you were going to 19 reach your limit, it was to save those e-mails 20 and those PST files. 21 We've conducted thorough searches of 22 those PSTs, we've conducted searches of the share</p>
<p style="text-align: right;">331</p> <p>1 Medi-Cal body of information that was reviewed 2 and the 2002 and post-2002 body of information 3 that was reviewed? 4 MR. WINCHESTER: Objection, asked and 5 answered. 6 THE WITNESS: It's just a 7 mischaracterization of what I've been testifying 8 about all day. 9 The share drive for the HPD was 10 absolutely not limited to 2002. The PSTs were 11 searched for, as we -- as I testified, and we 12 produced close to 18,000 e-mails that dated back 13 to much previous to 2002. We also searched the 14 AHD share drive without any date limitation on 15 that except through 2003, and again, I've 16 testified for hours today on other repositories. 17 And I'm not going to resummairize again. Other 18 than what I've testified today, I don't have 19 anything else to add to that. 20 BY MR. ANDERSON: 21 Q. Well, with respect to the categories of 22 information that you just rattled off, you'll</p>	<p style="text-align: right;">333</p> <p>1 drives and of each individual computer prior to 2 the time. So I'm just -- I disagree. 3 Q. Do you know of any reasons why Abbott 4 would not search the computer records of Mike 5 Sellers? 6 A. What do you mean "computer records"? 7 Q. Well, if I understand correctly, for 8 instance, when Mr. Tootell or Mr. Gonzalez left 9 the employ of Abbott, their hard drives were 10 saved and then, in turn, reviewed, correct? 11 A. That's my understanding. 12 Q. Do you -- do you know a gentleman by 13 the name of Mike Sellers? 14 A. I do not. 15 Q. Okay, I'll represent to you that he's 16 retired -- 17 A. Okay. 18 Q. -- fairly recently, and I'm wondering 19 why his hard drive was not also retained and 20 searched similar to the procedure followed by Mr. 21 Tootell and Mr. Gonzalez. 22 A. I don't know.</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com